

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DAMEION B. RASPBERRY,)	
)	
Plaintiff,)	
)	
)	
v.)	No. 21-cv-1055
)	
JOSH BRAMLEY and JASON)	
MCCALLISTER,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING MOTION
TO DISMISS

Before the Court is Defendant Josh Bramley's February 16, 2022 Motion to Dismiss Plaintiff Dameion Raspberry's Amended Complaint (the "Motion.") (ECF No. 29.) Raspberry responded on February 25, 2022. (ECF No. 31.) On May 11, 2022, the Magistrate Judge issued his Report and Recommendation (the "Report"), recommending that the Court grant Bramley's Motion. (ECF No. 50.) Raspberry objected to the Report on May 15, 2022. (ECF No. 53.) For the following reasons, the Court ADOPTS the Report. The Motion is GRANTED.

I. Background¹

Raspberry's Amended Complaint stems from two arrests in the summer of 2020. He alleges that he was arrested without probable cause in both instances. (ECF No. 15.) On May 13, 2020, Defendant and Henderson County Deputy Jason McCallister arrested Bradberry for theft of property. (Id. at 3.) McCallister made an affidavit to support an arrest warrant for the charge. The affidavit states that Raspberry willfully and knowingly took a 1993 Ford Taurus belonging to Nelva Gilliland. (ECF No. 15-1 at 1.) Raspberry alleges that the charges were dismissed on December 22, 2020, and that McCallister arrested him without probable cause. (Id.) On May 26, 2020, Bramley, also a deputy in Henderson County, arrested Raspberry on charges of domestic assault. (Id.) Raspberry alleges that the arrest was made without probable cause. The affidavit attached to the arrest warrant states that Raspberry assaulted the victim, Marque Blakemore, by standing over her and threatening to kill her. (Id.)

On August 16, 2021, Raspberry filed his Amended Complaint, bringing constitutional claims against Bramley and McCallister under 42 U.S.C. § 1983, and state claims under Tennessee Law.

¹ The facts are taken from the Report's proposed findings of fact.

(ECF No. 15.)² Summons as to Bramley was returned executed, but McCallister has not been located. On February 16, 2022, Bramley filed the present Motion. (ECF No. 29.) On May 11, 2022, the Magistrate submitted the Report, recommending that the Court grant Bramley's Motion on the federal claims and decline supplemental jurisdiction. (ECF No. 50.) In the Amended Complaint, Raspberry includes a single paragraph describing Bramley's alleged illegal conduct:

On June 1st, 2020, Defendant (Josh Bramley) attested and sworn as the affiant in the affidavit portion of the arrest warrant that Plaintiff perpetrated DOMESTIC ASSAULT. And Physical Arrest May 26th, 2020 Defendant (JOSH BRAMLEY) caused the arrest warrant to be issued on less than probable cause. Served (12) hours on charges later all charges were dismissed by the court.

(ECF No. 15 at 3.)

The Report found that Raspberry's allegation was cursory and that Raspberry had not plausibly stated that Bramley lacked probable cause to arrest him.

The Report recommends declining jurisdiction over the state law claims. (ECF No. 50.)

II. Standard of Review

The Court's review of a report and recommendation is de novo when timely objections to the report and recommendation

² Raspberry filed a second amended complaint that is identical to the Amended Complaint except for two handwritten notes highlighting facts already in the Amended Complaint. The Report recommends denying Raspberry's Second Amendment Complaint as duplicative. The Recommendation is ADOPTED.

have been filed. See Fed. R. Civ. P. 73(b). After reviewing the evidence, the Court may accept, reject, or modify the proposed recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). A district court adopts the findings and rulings of the magistrate judge to which no objection is filed. Thomas v. Arn, 474 U.S. 140, 150 (1985).

III. Analysis

Raspberry's does not specifically object to any of the findings in the Report. His objections are often incoherent and irrelevant to the Report. Raspberry attempts to add new claims against Bramley and McCallister as part of his objections. Raspberry has not provided any reason to disturb the Magistrate's findings. The Report is ADOPTED.

IV. Conclusion

For the foregoing reasons, the Court ADOPTS the Report in full and GRANTS Bramley's Motion to Dismiss.

So ordered this 17th day of June, 2022.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE